

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 2 of the Lincoln Municipal Code by amending
2 Section 2.76.445 within Chapter 2.76, Personnel System, to clarify the procedure to be followed
3 when an employee's behavior, if substantiated, would be cause for dismissal; amending Section
4 2.78.025 within Chapter 2.78, Management Compensation Plan, to change the Performance
5 Evaluation Scale for employees in pay ranges prefixed by the letter "M"; and repealing Sections
6 2.76.445 and 2.78.025 of the Lincoln Municipal Code as hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 2.76.445 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **2.76.445 Cause for Disciplinary Action.**

11 Any action which reflects discredit upon the city service or is a direct hindrance to the
12 effective performance of the municipal government functions shall be considered good cause for
13 disciplinary action against any officer or employee of the City of Lincoln, though charges may be
14 based upon causes and complaints other than those listed.

- 15 (a) Habitual use of intoxicating beverages to excess or the use of narcotics.
- 16 (b) Has been adjudged guilty of a felony or of a misdemeanor involving moral turpitude.
- 17 (c) The taking of intoxicating beverages or intoxication while on duty.
- 18 (d) That the employee is guilty of improper political activity as defined in the charter.
- 19 (e) Offensive conduct or language toward the public or toward city officers or
20 employees.
- 21 (f) Has been guilty of insubordination or any conduct unbecoming to an officer or
22 employee of the city, either on or off duty.
- 23 (g) Incompetence to perform the duties of the position.
- 24 (h) Damage to or negligence in the care and handling of city property.

1 (i) Violation of any lawful and reasonable regulation made or given by the employee's
2 superior, where such violation or failure to obey amounts to an act of insubordination or a serious
3 breach of proper discipline; or results, or might reasonably have been expected to result, in loss or
4 injury to the city, to prisoners of the city, or to the public.

5 (j) Commission of acts or omissions unbecoming an incumbent of the particular office
6 or position held, which render a reprimand, suspension, demotion, or dismissal necessary or
7 desirable for the economical or efficient conduct of the business of the city or for the best interest
8 of the municipal government.

9 (k) Willful violation of any of the provisions of the charter or of these rules.

10 (l) Has induced or attempted to induce any officer or employee in the city service to
11 commit an illegal act or to act in violation of any lawful and reasonable departmental or official
12 regulation or order or has participated therein.

13 (m) Solicitation or receipt from any person, participation in any fee, gift, or other valuable
14 thing that is given in the hope or expectation of receiving a favor or better treatment than that
15 accorded other persons.

16 (n) Use or attempted use of personal or political influence or bribery to secure an
17 advantage in an examination or promotion, leave of absence, transfer, change of grade, pay, or
18 character of work.

19 (o) Failure to pay just debts, thereby causing embarrassment to the city.

20 (p) Absence from duty without leave contrary to these rules, or failure to report after
21 leave of absence has expired, or after such leave of absence has been disapproved or revoked and
22 cancelled by the proper authority.

23 Violations of the provisions of this section shall be punishable by reprimand, suspension,
24 demotion, or dismissal.

25 An employee may be placed on disciplinary probation not to exceed ninety calendar days.
26 The placement on disciplinary probation as provided herein shall not preclude the imposition of
27 other or additional disciplinary action.

1 Upon being informed that an employee has been accused of behavior which, if substantiated,
2 would be cause for dismissal, the Department Head shall have the option of suspending an employee
3 without pay for a period not to exceed thirty calendar days for the purpose of investigation of the
4 accusation, provided that if after investigation the Department Head determines to dismiss the
5 employee, they shall give written notice of the dismissal and, if after investigation, the Department
6 determines that the accusation cannot be substantiated or does not constitute cause for dismissal, the
7 employee shall be reinstated and awarded back pay for any portion of the suspension time not
8 imposed as disciplinary action.

9 A copy of this section, with any amendments thereto, shall be submitted to each department
10 head to be posted in such manner as will bring it to the attention of all employees of such
11 department.

12 Section 2. That Section 2.78.025 of the Lincoln Municipal Code be amended to read
13 as follows:

14 **2.78.025 Compensation Plan; Variable Merit Pay Plan - DSS and M Pay Ranges.**

15 Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the
16 compensation plan for employees in classifications with pay ranges prefixed by the letters “DSS”
17 and “M” shall provide for the awarding of merit increases within established pay ranges based upon
18 the employee’s level of performance and shall be entitled “the variable merit pay plan.” The specific
19 method of implementing and administering this plan shall be set out in an executive order of the
20 Mayor which shall, among other things, provide for:

21 (a) Variable merit increases of between zero and **four five** percent. Merit increases shall
22 be effective beginning the first full pay period following the established eligibility date;

23 (b) A four and one-half percent increase upon successful completion of the original
24 probationary period with the exception of pay ranges prefixed by the letters “DSS”;

25 (c) Temporary exceptional service awards not to exceed two percent of the employee’s
26 current annualized salary to be paid in two, four, or six pay periods with the exception of pay ranges
27 prefixed by the letters “DSS”;

1 Such increases shall be paid only on recommendation of the department head
2 supported by a convincing showing in writing of exceptional service or unusual circumstances as
3 related to specific criteria to be recommended by each department and approved by the Personnel
4 Director;

5 The Personnel Director shall annually send a written report to the Mayor listing
6 employees approved for exceptional service pay increases.

7 (d) The Personnel Director, with the approval of the Mayor, may grant permanent salary
8 increases within the employee's pay range that are consistent with the spirit and purpose of the merit
9 system provisions of the City Charter if a department head presents written evidence of unusual
10 circumstances. The effective date of any increase granted in accordance with this subparagraph (d)
11 shall be used to establish a new eligibility date, which shall be one year from the effective date of
12 such increase. This subsection applies only to pay ranges prefixed by the letter "M".

13 (e) The eligibility date for evaluating performance of employees will be determined by
14 completion of the original probationary period, and the effective date of promotion, demotion,
15 reallocation, or layoff, or in the case of a department head or an administrative assistant to an elected
16 official, the date of hire;

17 Employees in pay ranges prefixed by the letter "M" may have their eligibility dates
18 adjusted when necessary or appropriate for proper operation of any goal-oriented employee
19 evaluation program implemented by any department. The department head shall forward a written
20 request for such an adjustment to the Personnel Director who may, at his discretion, approve the
21 request. The eligibility date of an employee shall not be adjusted under this subsection more often
22 than once in any twelve-month period;

23 (f) Establishment of a committee to review and approve all merit increases in excess of
24 ~~three~~ four percent.

25 Section 3. That Sections 2.76.445 and 2.78.025 of the Lincoln Municipal Code as
26 hitherto existing be and the same are hereby repealed.

1 Section 4. That this ordinance shall take effect and be in force from and after its
2 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor